

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 08-01-07; AMENDING DIVISION 5 (ENERGY CONSERVATION), ARTICLE IV (TECHNICAL CODES), CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), PART II OF THE FRISCO CODE OF ORDINANCES; ADOPTING THE 2012 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, SAVE AND EXCEPT THE DELETIONS AND ADDITIONS SET FORTH HEREIN; REGULATING THE DESIGN OF BUILDING ENVELOPES FOR ADEQUATE THERMAL RESISTANCE AND LOW AIR LEAKAGE AND THE DESIGN AND SELECTION OF MECHANICAL, ELECTRICAL, SERVICE WATER-HEATING AND ILLUMINATION SYSTEMS AND EQUIPMENT WHICH WILL ENABLE EFFECTIVE USE OF ENERGY IN NEW BUILDING CONSTRUCTION WITHIN THE CITY OF FRISCO, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of Frisco, Texas ("Frisco") to amend Division 5 (Energy Conversation), Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances by adopting the 2012 Edition of the International Energy Conservation Code, save and except the deletions and additions set forth below; and

WHEREAS, the City Council has investigated and determined that in order to most effectively make the deletions and additions necessary to Frisco's Code of Ordinances, Division 5 (Energy Conversation), Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances, it is in the best interest of the citizens of Frisco to repeal Ordinance No. 08-01-07 (Energy Conservation Code), in its entirety, and replace it with this Ordinance, adopting the 2012 Edition of the International Energy Conservation Code, save and except the deletions and additions set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Repeal of Ordinance No. 08-01-07. Ordinance No. 08-01-07 is hereby repealed, in its entirety, and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 08-01-07 shall be repealed. Such repeal shall not abate any pending prosecution

and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 08-01-07 occurring before the effective date of this Ordinance.

SECTION 3: Amendment to Division 5 (Energy Conversation), Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances. Division 5 (Energy Conversation), Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances is hereby amended for the sole purpose of adopting new energy conservation code regulations as set forth in the International Energy Conservation Code, copyrighted by the International Code Council, Inc., save and except the deletions and additions set forth in **Exhibit "A"**, attached hereto and incorporated herein for all purposes, regulating the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water-heating and illumination systems and equipment which will enable effective use of energy in new building construction located within Frisco ("2012 International Energy Conservation Code"). The 2012 International Energy Conservation Code is made a part of this Ordinance as if fully set forth herein. Three (3) copies of the 2012 International Energy Conservation Code are on file in the office of the City Secretary of Frisco being marked and designated as the 2012 International Energy Conservation Code. The deletions and additions set for in **Exhibit "A"** are located on Frisco's website under Development Services.

SECTION 4: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding TWO THOUSAND AND NO/100 (\$2,000.00), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 7: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FRISCO, TEXAS, on this 1st day of October, 2013.

Maher Maso

Maher Maso, Mayor

ATTESTED AND CORRECTLY
RECORDED:

Jenny Page
Jenny Page, City Secretary



APPROVED AS TO FORM:

Rebecca Hendricks

Abernathy Roeder Boyd & Joplin P.C.
Rebecca Hendricks Brewer, City Attorneys

Date(s) of Publication: October 11, and October 18th, 2013, *Frisco Enterprise*

Exhibit "A"
CITY OF FRISCO DELETIONS/ADDITIONS
2012 INTERNATIONAL ENERGY CONSERVATION CODE¹

The following deletions and additions to the 2012 International Energy Conservation Code are hereby approved and adopted (*i.e.* deletions evidenced by ~~strikethrough~~ and additions evidenced by underline)²:

Chapter 1 [CE] Scope and Administration of the 2012 International Energy Conservation Code is amended as follows:

Section C101 Scope and General Requirements of the 2012 International Energy Conservation Code is amended as follows:

C101.4.2 Historic Buildings. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places, either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, ~~are exempt from~~ shall comply with all of the provisions of this code.

Exception: Whenever a provision or provisions shall invalidate or jeopardize the historical designation or listing, that provision or provisions may be exempted.

C101.4.3 Additions, alterations, renovations or repairs.

9. Replacement of existing fenestration; provided, however, that the area of the replacement fenestration does not exceed 25% of the total fenestration area of an existing building and that the U-factor and SHGC will be equal to or lower than before the fenestration replacement.

Section C102 Alternate Materials – Methods of Construction, Design or Insulating Systems of the 2012 International Energy Conservation Code is added as follows:

C102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy

¹ Unless otherwise expressly provided herein, all phrases, words and/or terms used herein shall have the same meaning ascribed to the same in the 2012 International Energy Conservation Code (regardless of whether such phrases, words and/or terms are italicized herein).

² Other italicized and bold notations are provided throughout for informational purposes only. By way of example only, "[*Paragraph remains unchanged.*]"

Systems Laboratory to be in compliance with the energy efficiency requirements of this Section may, at the option of the building official, be considered in compliance.

Chapter 2 [CE] Definitions of the 2012 International Energy Conservation Code is amended as follows:

C202 General definitions of the 2012 International Energy Conservation Code is added as follows:

GLAZING AREA. Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditioned space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditioned basements. For doors where the daylight opening area is less than 50% of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.

Chapter 4 [CE] Commercial Energy Efficiency of the 2012 International Energy Conservation Code is amended as follows:

Section C402 Building Envelope Requirements of the 2012 International Energy Conservation Code is amended as follows:

C402.2 Specific insulation requirements (Prescriptive).

C402.2.9 Insulation installed in walls. To insure that insulation remains in place, insulation batts installed in walls shall be totally secured by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

C402.4.1 Air Barriers. *[Paragraph remains unchanged.]*

~~**Exception:**~~ *[Entire exception deleted.]*

Chapter 1 [RE] Scope and Administration of the 2012 International Energy Conservation Code is amended as follows:

Section R101 Scope and General Requirements of the 2012 International Energy Conservation Code is amended as follows:

R101.2 Scope. This code applies to residential building and building sites and associated systems and equipment. Additional compliance methods shall be as prescribed in the 2012 International Residential Code, adopted by Frisco, as it currently exists or may be amended.

R101.4.2 Historic Buildings. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places, either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, ~~are exempt from~~ shall comply with all of the provisions of this code.

Exception: Whenever one or more provisions shall invalidate or jeopardize the historical designation or listing, that provision(s) may be exempted.

Section R102 Alternate Materials – Methods of Construction, Design or Insulating Systems of the 2012 International Energy Conservation Code is added as follows:

R102.1.2 Alternative compliance. A building certified by a national, state or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the building official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

Chapter 2 [RE] Definitions of the 2012 International Energy Conservation Code is amended as follows:

R202 General definitions of the 2012 International Energy Conservation Code is added as follows:

GLAZING AREA. Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditioned space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditioned basements. For doors where the daylight opening area is less than 50% of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.

Chapter 4 [RE] Residential Energy Efficiency of the 2012 International Energy Conservation Code is amended as follows:

Section R402 Building Thermal Envelope of the 2012 International Energy Conservation Code is amended as follows:

Table R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT.

CLIMATE ZONE	WOOD FRAME WALL R-VALUE
3	20 or 13+5-13

Table R402.1.3 EQUIVALENT U-FACTORS.

CLIMATE ZONE	WOOD FRAME WALL R-VALUE
3	0.057-0.082

R402.2.2 Ceilings without attic spaces. Where Section R402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section R402.1.1 shall be limited to five hundred (500) square feet (46 m²) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the U-factor alternative approach in Section R402.1.3 and the total UA alternative in Section R402.1.4.

R402.2.13 Insulation installed in walls. To insure that insulation remains in place, insulation batts installed in walls shall be totally secured by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8. *[Remainder of paragraph unchanged.]*

Section R403 Systems of the 2012 International Energy Conservation Code is amended as follows:

R403.2.2 Sealing (Mandatory).

Testing may only be performed by individuals that are certified HERS Raters or Rating Field Inspectors by RESNET or Performance Verification Technicians certified by Texas HERO, or other certifications as may be approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed or have any financial interest in the company that installed the duct system.

R403.2.3 Building cavities (Mandatory). Building framing cavities shall not be used as supply ducts and plenums. Building framing wall cavities in the exterior thermal envelope shall not be used as return ducts.

Section R405 Simulated Performance Alternative (Performance) of the 2012 International Energy Conservation Code is amended as follows:

R405.6.2 Specific Approval:

[Beginning of paragraph remains unchanged.] Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

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(The Index is provided for informational purposes only to note the location of the deletions/additions in the 2012 International Energy Conservation Code as set forth in this Ordinance)

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END OF EXHIBIT "A"